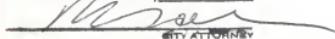


1 BILL NO. Z-78-07- 19

2 ZONING ORDINANCE NO. Z- Last3 AN ORDINANCE amending the City of
4 Fort Wayne Zoning Map No. F-17.5 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE,
6 INDIANA:7 SECTION 1. That the area described as follows is hereby design-
8 nated a B1B District under the terms of Chapter 33, Municipal Code of the
9 City of Fort Wayne, Indiana, 1974; and the symbols of the City of Fort
10 Wayne Zoning Map No. F-17, referred to therein, established by Section
11 33-11, of said Chapter are hereby changed accordingly, to wit:12 A parcel of land situated in DE ROME RESERVE in Township 31
13 North, Range 13 East, Allen County, Indiana, being a part
14 of that part of the right-of-way lying Southeastward of its
15 centerline, of the St. Joe Road as presently established;
16 together with part of Block "E" GEORGE L. ASHLEY HOMESTEAD
17 as recorded in Plat Book 8, page 84, in the office of the
18 Recorder of said County, and in particular described as
19 follows, to wit:20 To arrive at the place of beginning, commence on the North-
21 easterly line of an 18-foot wide strip conveyed by Theodore
22 H. Ashley to St. Joe Methodist Church as recorded in Deed
23 Record 383, page 429, May 18, 1945 at a point situated 25.0
24 feet North of the centerline of the St. Joseph Center Road,
25 said road centerline being also the South line of Section
17, Township 31 North, Range 13 East, thence West on a line
parallel to the centerline of said road, a distance of 105.1
feet; thence Northwesterly by a deflection right of 23 de-
26 grees 46 minutes along the right-of-way line of said road
27 as established by Indiana Project S 728 (1) 1961, a distance
28 of 70.8 feet to the Southeasterly right-of-way line of the
29 said St. Joe Road at the place of beginning initially men-
30 tioned, as situated 20.0 feet Southeasterly of the centerline
31 of said road; thence Northeasterly on the aforesaid right-
32 of-way line by a deflection of 103 degrees 46 minutes to the
right of the previous course, a distance of 155.4 feet to
the Northeast line of the 18-foot wide strip initially re-
ferred to; thence Northwesterly by a deflection left of 63
degrees 58 minutes on the aforesaid line, a distance of 14.4
feet to a point situated 40.0 feet normally distant South-
easterly from the centerline off St. Joe Road as established
by Indiana Project S 728 (1) 1961; thence Southwesterly on a
line parallel to the aforesaid centerline by a deflection
left of 95 degrees 07 minutes, a distance of 57.3 feet to a
point of curve; thence continuing Southwesterly on a 28 degree
50 minute circular curve to the left, introrsely concentric
to the centerline curve of St. Joe Road as established by
Indiana Project S 728 (1) 1961; a distance of 106.6 feet;
thence Southeasterly a distance of 44.0 feet to the place of
beginning; containing 0.135 acre, that lies southeast of the
centerline of the St. Joe Road as presently established.C
33 APPROVED AS TO FORM
34 AND LEGALITY,
35 CITY ATTORNEY

4/123

1 SECTION 2. That this Ordinance shall be in full force and
2 effect from and after its passage, approval by the Mayor and legal
3 publication thereof.

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6 Councilman

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Read the first time in full and on motion by J. Schmidt, seconded by

Hunter, and duly adopted, read the second time by title and referred to the Committee on Regulations (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on _____, the _____ day of _____, 19_____, at _____ o'clock _____ M., E.S.T.

DATE: 7-25-78

Charles W. Witterman
CITY CLERK

Read the third time in full and on motion by J. Schmidt, seconded by Hinga, and duly adopted, placed on its passage.

PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>0</u>	<u>9</u>	_____	_____	_____
<u>BURNS</u>	<u>X</u>	<u>X</u>	_____	_____	_____
<u>HINGA</u>	_____	<u>X</u>	_____	_____	_____
<u>HUNTER</u>	_____	<u>X</u>	_____	_____	_____
<u>MOSES</u>	_____	<u>X</u>	_____	_____	_____
<u>NUCKOLS</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, D.</u>	_____	<u>X</u>	_____	_____	_____
<u>SCHMIDT, V.</u>	_____	<u>X</u>	_____	_____	_____
<u>STIER</u>	_____	<u>X</u>	_____	_____	_____
<u>TALARICO</u>	_____	<u>X</u>	_____	_____	_____

DATE: 8-26-78

Charles W. Witterman
CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as
(ZONING MAP) (GENERAL) (ANNEXATION) (SPECIAL) (APPROPRIATION) ORDINANCE
(RESOLUTION) No. _____ on the _____ day of _____, 19_____.
ATTEST: (SEAL)

CITY CLERK

PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the _____
day of _____, 19_____, at the hour of _____ o'clock _____ M., E.S.T.

CITY CLERK

Approved and signed by me this _____ day of _____, 19_____,
at the hour of _____ o'clock _____ M., E.S.T.

MAYOR

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on July 25, 1978 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-78-07-19; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on August 21, 1978;

NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that such proposed ordinance DO NOT PASS for the reasons that no need has been shown for the Land Use Plan to be amended, the amendment will not be in the best interest of and benefit to the City, and the amendment will be detrimental to and conflicts with the overall City Plan; and,

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held August 28, 1978.

Certified and signed this
30th day of August, 1978.



Luben Lazoff
Secretary

Bill No. Z-78-07-19

REPORT OF THE COMMITTEE ON REGULATIONS

We, your Committee on Regulations to whom was referred an Ordinance
amending the City of Fort Wayne Zoning Map No. F-17

have had said Ordinance under consideration and beg leave to report back to the Common
Council that said Ordinance Do Not PASS.

VIVIAN G. SCHMIDT - CHAIRMAN

JOHN NUCKOLS - VICE CHAIRMAN

WILLIAM T. HINGA

DONALD J. SCHMIDT

JAMES S. STIER

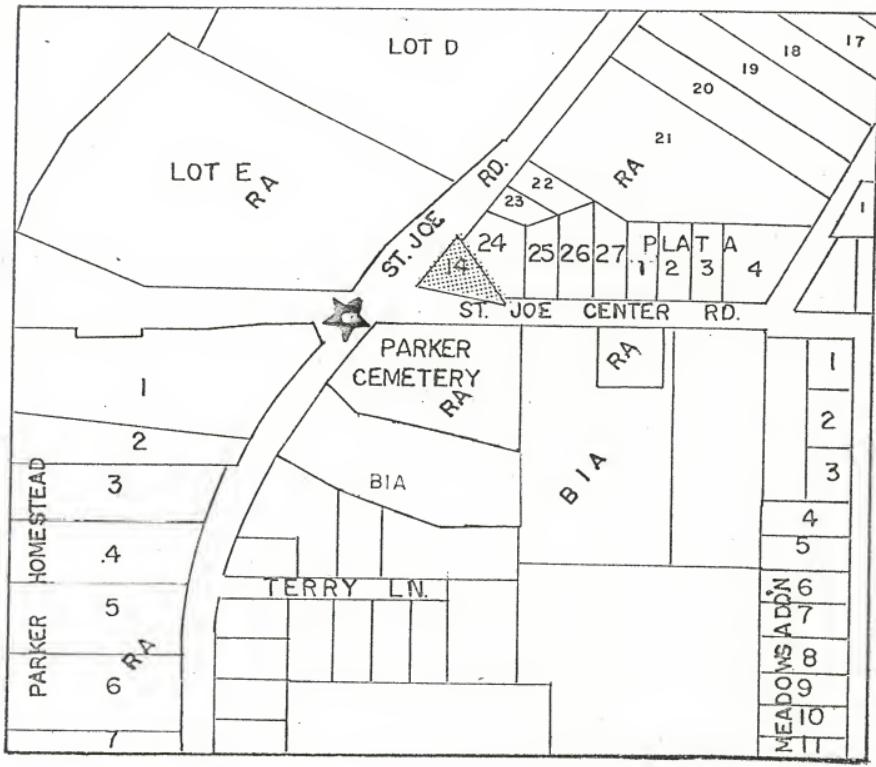
Vivian G. Schmidt
John Nuckols
William T. Hinga
Donald J. Schmidt
OSDC

9-26-78 CONCILED
DATE CHARLES W. REED

RECEIPT

Date June 16 1978 No. 10176Received From Douglas Construction Co. Inc.Address 4117 Regal Rd.Amount Fifty Dollars Dollars \$ 50For Refining Tiling Inc.

ACCOUNT		HOW PAID		
AMT. OF ACCOUNT	20 50	CASH		
AMT. PAID	50 00	CHECK		
BALANCE DUE	0 0	MONEY ORDER		By <u>John B. Carter</u>



TO REZONE FROM RA TO BIB

Z-78-07-19

I/We CITIES SERVICE COMPANY
(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne, Indiana, by reclassifying from an "RA" District to a "B1B" District the property described as follows:

---SEE ATTACHED SURVEY PLAN---

CITGO SERVICE STATION

5916 St. Joe Road (@ St. Joe Center Rd.)

Fort Wayne, Indiana 46815

(Legal Description) If additional space is needed, use reverse side.

The site was properly zoned for service station in 1961, and has been a service station site since then. We understand the necessary data was not transferred over when the County turned the property over to the City.

(General Description for Planning Staff Use Only)

We, the undersigned, certify that ~~XXXXXX~~ We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

CITIES SERVICE COMPANY

555 Butterfield Rd.-Lombard, IL 60148

Morton M. Douglass
Agent

(Name) (Address & Zip Code) (Signature)

(If additional space is needed, use reverse side)

Legal Description checked by _____

NOTE FOLLOWING RULES

All requests for continuances or requests that ordinances be taken under advisement shall be filed, in writing, in the office of Community Development and Planning, by noon on the Wednesday preceding the meeting of the City Plan Commission at which the ordinance is to be considered. If the request for a continuance or advisement is filed within the required time, the matter will not be put on the agenda for the meeting. It shall be the obligation of the petitioner to notify the same property owners which the Plan Commission had notified by mail that the hearing has been postponed or rescheduled and inform them of the time and place of the meeting at which the ordinance will be considered. All withdrawals of the ordinances must be made in writing prior to the Plan Commission's vote on the ordinance. (FILING FEE: \$50.00)

Name and address of the preparer, attorney or agent.

Douglass Construction, Inc.

Morton M. Douglass

(Name)

4777 Reed Rd.-Ft. Wayne, IN 46815

219-485-5578

(Address & Zip code)

(Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning and Zoning (CITY PLAN COMMISSION) / Room # 830, City-County Building, One Main Street / Fort Wayne, Indiana 46802 (Phone: 423-7571)

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

Legal Description of property to be rezoning

---SEE ATTACHED SURVEY PLAN---

Owners of Property

CITIES SERVICE COMPANY

555 Butterfield Rd.--Lombard, IL
60148

*Martin M. Douglass
Agent*

(Name)

(Address & Zip Code)

(Signature)

SHCAFF, KEEF & BAIRD Box

Doc 611 Page 413-14

20635

COURT R. M. T. 54

QUIT CLAIM DEED

THIS INDENTURE WITNESSETH THAT: CITIES SERVICE OIL COMPANY, a Delaware corporation, releases and quit claims to CITIES SERVICE STATIONS CORPORATION, a Delaware corporation, for and in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt whereof is hereby acknowledged, the following real estate in Allen County, in the State of Indiana, to-wit:

That part of the following described parcel of real estate, to-wit:

A parcel of land situated in DE ROME RESERVE in Township 31 North, Range 13 East, Allen County, Indiana, being a part of that part of the right-of-way lying Southeastward of its centerline, of the St. Joe Road as presently established; together with part of Block "E" GEORGE L. ASHLEY HOMESTEAD as recorded in Plat Book 8, page 84, in the office of the Recorder of said County, and in particular described as follows, to-wit:

To arrive at the place of beginning, commence on the Northeasterly line of an 18-foot wide strip conveyed by Theodore H. Ashley to St. Joe Methodist Church as recorded in Deed Record 383, page 429, May 18, 1945 at a point situated 25.0 feet North of the centerline of the St. Joseph Center Road, said road centerline being also the South line of Section 17, Township 31 North, Range 13 East, thence West on a line parallel to the centerline of said road, a distance of 105.1 feet; thence Northwesterly by a deflection right of 23 degrees 46 minutes along the right-of-way line of said road as established by Indiana Project S 728 (1) 1961, a distance of 70.8 feet to the Southeasterly right-of-way line of the said St. Joe Road at the place of beginning initially mentioned, as situated 20.0 feet Southeasterly of the centerline of said road; thence Northeasterly on the aforesaid right-of-way line by a deflection of 103 degrees 46 minutes to the right of the previous course, a distance of 155.4 feet to the Northeast line of the 18-foot wide strip initially referred to; thence Northwesterly by a deflection left of 63 degrees 58 minutes on the aforesaid line, a distance of 14.4 feet to a point situated 40.0 feet normally distant Southeasterly from the centerline of St. Joe Road as established by Indiana Project S 728 (1) 1961; thence Southwesterly on a line parallel to the aforesaid centerline by a deflection left of 95 degrees 07 minutes, a distance of 57.3 feet to a point of curve; thence continuing Southwesterly on a 28 degree 50 minute circular curve to the left, inrōsely concentric to the centerline curve of St. Joe Road as established by Indiana Project S 728 (1) 1961; a distance of 106.6 feet; thence southeasterly a distance of 44.0 feet to the place of beginning; containing 0.135 acre, that lies southeast of the centerline of the St. Joe Road as presently established.

BULY ENTERED FOR TAXATION

10/17 - 1962

RECEIVED
Allen County Auditor
10/17/62

4183

Admn. Appr. _____

DIGEST SHEET

TITLE OF ORDINANCE Zoning Ordinance Amendment

3-78-07-19

DEPARTMENT REQUESTING ORDINANCE Long Range Planning & Zoning - CD&P

SYNOPSIS OF ORDINANCE A triangular tract of land approximately 219' x 163' x 183'
located in the northeast corner of St. Joe Center Road and St. Joe Road. Said property
extending approximately 219' east along St. Joe Center Road from St. Joe Road and north
approximately 163' along St. Joe Road from St. Joe Center Road.

EFFECT OF PASSAGE Property is now zoned "RA" District - Suburban Residential.
Property will become "B1B" District - Limited Business.

EFFECT OF NON-PASSAGE Property will remain "RA" District - Suburban Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

ASSIGNED TO COMMITTEE (J.N.) _____

Rey